



## MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO

August 10, 2016

### **WORK SESSION – Single Family Equivalency Water Discussion 6:00 PM**

Board of Trustee members present for the work session: Mayor Joel Benson, Trustees Lawanna Best, Eric Gibb, Duff Lacy, and Phillip Puckett. Staff present: Town Administrator Brandy Reitter, Public Works Director Greg Maggard, Principal Planner Mark Doering, Fire Chief Dixon Villers, Town Clerk Janell Sciacca, and IT Administrator Larry Deffenbaugh.

Maggard presented stating the presentation sums up where Town is at based on water and infrastructure. SFE or Single Family Equivalency is a unit of measurement of the water use of a typical single family home. It equates water use of a typical single family residential structure, duplex/town home and multi-family unit. The 2012 Water Master Plan concluded the Town had 1,618 SFE which equates to approximately 1.65 people per SFE. Town can accommodate 2,110 SFE based on current infrastructure. With water rights that number increases to 2,705. Since 2012 there have been 54 new taps - 45 residential, 3.2 duplexes totaling 48.2 SFEs. Obligated taps (based on any platted lot in town) is calculated at 823.4. Projections for future SFE are based on a 1.2% conservative population projection and the projections will be fluid due to changing factors. The Board discussed their responsibility of monitoring the obligated taps and the potential of implementing a water impact fee for a water fund that can help pay for water rights. Maggard discussed how the Town can prepare for the future with the addition of wells and water rights. He stated that 1 well producing 150 gpm provides 375 SFEs and 1 additional CFS of water rights equates to 1,115 SFEs, but neither is useful without new and upgraded infrastructure. Reitter reminded the Board that it is very important for Town to diversify its water resources. Benson requested to see for public hearings some kind of SFE information included in the packet reports. After additional discussion, the Board agreed this information could be included in the Public Works Director Monthly Report. The Board discussed tap fees and would like to see information regarding how BV compares to the rest of the State. Staff has been collecting this information and the Board felt providing this information to the public would be beneficial. The Board thanked Staff for the presentation and information and the work session ended at 6.52 PM.

### **CALL TO ORDER :00**

A Regular meeting of the Board of Trustees was called to order at 6:59PM on Wednesday, August 10, 2016, at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado by Mayor Benson. Present were Mayor Joel Benson, Trustees Lawanna Best, Eric Gibb, Duff Lacy and Phillip Puckett. Town Staff present were Town Administrator Brandy Reitter, Town Attorney Kathryn Sellars, Principal Planner Mark Doering, Planner I Scott Reynolds, Treasurer Michelle Stoke, Police Chief Jimmy Tidwell, Fire Chief Dixon Villers, Public Works Director Greg Maggard, Assistant to the Town Administrator Emily Katsimpalis, IT Administrator Larry Deffenbaugh and Town Clerk Janell Sciacca.

### **ROLL CALL :03**

Town Clerk Sciacca proceeded with the roll call and declared a quorum.

### **PLEDGE OF ALLEGIANCE :18**

Mayor Benson led the Pledge of Allegiance.

### **AGENDA ADOPTION :39**

Mayor Benson inquired about the order of items related to the purchase and sale agreements with the School District. He felt Ordinance #15 needed to be discussed and approved prior to the Resolution as each references Exhibit A which is the Ordinance/Lease Agreement. The Board agreed to modify the order and consider Ordinance #15 prior to Resolutions #81 and #82.

**Motion #1** by Trustee Puckett and seconded by Trustee Lacy to approve the agenda as amended.  
**Motion carried, 4-0.**

#### **CONSENT AGENDA 2:35**

##### **A. Minutes**

1. Regular Meeting – July 26, 2016
2. Planning & Zoning Commission – July 20, 2016
3. Beautification – July 14, 2016
4. Trails – July 5, 2016

##### **B. Police Report**

##### **C. Fire Report**

- D. Should the Board of Trustees approve adoption of Resolution #74 entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, EXTENDING A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR ENCROACHMENT PERMITS FOR THE PURPOSES OF OUTDOOR DINING AND RETAIL OPERATIONS ON EAST MAIN.**"?
- E. Should the Board of Trustees approve adoption of Resolution #75 entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO APPOINTING LYNN SCHULTZ-WRITSEL AN ALTERNATE MEMBER OF THE TOWN OF BUENA VISTA PLANNING AND ZONING COMMISSION.**"?
- F. Should the Board of Trustees approve adoption of Resolution #76 entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO APPOINTING GENE MCMANAMAY A REGULAR VOTING MEMBER OF THE TOWN OF BUENA VISTA ECONOMIC VITALITY ADVISORY BOARD.**"?
- G. Should the Board of Trustees approve adoption of Resolution #77 entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, AMENDING THE TOWN OF BUENA VISTA 2016 FEE SCHEDULE.**"?
- H. Should the Board of Trustees approve adoption of Resolution #78 entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO AMENDING THE EMPLOYEE HANDBOOK.**"?

Lacy noted on page 6 of the July 26 Trustee minutes that the Trustee seconding the motion to adjourn is missing. Puckett wanted to confirm the number of regular members on the Planning & Zoning Commission. Doering was out of the room at the time. Benson stated on the July 26 Trustee minutes that the Board members present did not include Eric Gibb, but Gibb made the motion to approve the agenda so he needed to be added. Doering returned to the room and reported the appointment of Schultz-Writsel results in a full commission.

**Motion #2** by Trustee Lacy and seconded by Trustee Best to approve the Consent Agenda as amended. **Motion carried, 4-0.**

#### **POLICY DISCUSSION – Budgeting and Infrastructure Item Review 05:55**

Mayor Benson introduced. Gibb stated from a policy position there seem to be two views – development should pay its own way and if areas are platted or roads are on mapped that the Town should be responsible for providing services. His view is that development should pay its own way but the Town should be in a position to incentivize projects within its financial abilities that meet strategic objectives or encourage these objectives. The problem is in the details and the important part is the process of Town deciding which projects get funding should be easy to understand, easy to manage and fair. Prioritization has to strongly consider existing maintenance requirements. Benson felt Gibb did a really good job of summarizing the Board's discussions on this matter. Lacy stated this was the Board's first year using the policy and criteria for rating. He thinks the Board is moving in the right direction and Gibb agreed. Puckett agreed and felt statements in the Comprehensive Plan supported that the community is looking for something in the middle and that development should pay its own way but the Town should look at ways to incentivize and prioritize funding requests. Puckett felt the Board should evaluate how successful it was and whether or not it produced the desired outcome(s). After additional discussion, Benson requested

Staff add a review of the Town's incentive programs and tools to the policy discussion list for an agenda prior to the end of the budget season.

**PUBLIC COMMENT 23:48**

Jenna Pfingston, 418 Hwy 24 N, buyer of lot on Pinon stated a group of owners would like to present to the Trustees on August 24 regarding the possibility of Town helping them with infrastructure. She also thought the Vertex festival was great. Her business participated teaching YOGA classes and there were several hundred people participating. Her individual experience was amazing and it was a positive place for children during the day.

Mark Krasnow, 429 Cedar St, was with Pfingston requesting to be put on the next agenda. This subject was presented earlier in the year and none of the owners beside the Town Company knew about it or were able to participate in that discussion. Krasnow also attended Vertex and took his kids. It was safe and family friendly with an awesome police presence interacting with the crowd.

Earl Richmond 412 Cedar St, also addressed the Vertex Festival. He felt it was a safe environment and Fire and Police did a good job. He spent a lot of time with locals. Some businesses received free tickets and he heard from those he talked to that it was great and much different than what they thought it would be. Richmond thought it was very interesting that very close to the festival he could not hear the bands, but friends in Game Trail could. He also noted both the performers and participants were diverse in age.

Robbie Johnson, 206 E Main St, also attended Vertex. The site was fantastic and she felt opportunity was missed to showcase the Town. She also felt the Town did not hold Madison House to the approved shuttle route and that buses were diverted through some not as attractive parts of Town.

**RESPONSE TO PUBLIC COMMENT 35:38**

Mayor Benson thanked everyone for coming out and expressing themselves. The Pinon infrastructure discussion will be on the agenda for August 24. He requested that Vertex comments be emailed to [mayor@buenavistaco.gov](mailto:mayor@buenavistaco.gov) so he can provide those accurately and to the right people. Vertex was in the County and the Town has only so much say. The shuttle service was changed right before the event. Reitter stated she did reach out to Madison House and they said they would showcase Town. She was told the distributed shuttle map was approved by Town and the Town did not want the shuttles to go down Main Street which was not the case. Reitter will reach out to the County next year to make sure the Commissioners know parts of the contract were not adhered to like the route, number of buses per hour, proposed stops, shuttle site set up and blocking off of public parking. Lacy reminded this was the first year and it was a learning process. He felt there is opportunity next year to let people know there is still room for other events and activities as the Town was not overwhelmed. Puckett felt the emphasis on the shuttles could be better dealt with.

**BUSINESS ITEMS**

**PUBLIC HEARING – Should the Board of Trustees approve adoption of Resolution #79 entitled “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, CO APPROVING A SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT AT 650 S. GUNNISON STREET, BUENA VISTA, CO.”? 40:12**

Applicant Erik Rasmussen, 26381 CR 319, stated he is seeking approval to construct an Accessory Dwelling Unit (ADU) in addition to the primary residence that is under construction. The proposed ADU will be a 560 sf 1 bed, 1 bath structure. The intent is for long term rental and he will provide 2 off street parking spots, one for the primary residence and another for the ADU. Rasmussen stated he will adhere to the Town's lighting constraints.

Reynolds presented the Staff Report and reviewed a PowerPoint detailing the specifics of the project. He stated both Staff and Planning Commission were recommending approval with conditions.

Mayor Benson opened the public hearing and there being no one wanting to address the item the public hearing was closed. Lacy inquired why there are two conditions that are covered by the code. Doering replied the conditions are useful during the Certificate of Occupancy inspection process and also when/if

the code requirements change in the future. Puckett agreed with Lacy's comment about adding conditions that are already covered in the code. Doering stated the conditions are extra protection for the Town.

**Motion #3** by Trustee Puckett and seconded by Trustee Lacy to approve Resolution #79 as presented. **Motion carried, 4-0.**

**PUBLIC HEARING – Should the Board of Trustees approve adoption of Resolution #80 entitled “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, CO APPROVING A MINOR DEVELOPMENT FOR THE PROPERTY LOCATED AT 642 CEDAR STREET, BUENA VISTA, COLORADO.”? 53:41**

Applicant Mary Kale, 642 Cedar Street stated she and husband are seeking a subdivision to create 4 equal lots which will be the best use according to demand and lack of lots and homes available on the east side of Town. They will put in the sidewalk and access will be from the alley with garages on the backside. She stated the alley has several very large boulders so the Town has never made that a true alley and she inquired if they pay for the east sidewalk and the alley, would the Town pay to have the boulders removed. This has been platted since 1879 and is not a new lot.

Reynolds presented the Staff Report and reviewed a PowerPoint presentation detailing the specifics of the project request. Staff and the Planning Commission are recommending approval with conditions. Benson questioned the 25 foot alley requirement and rationale for the 10 foot reduction. Reynolds replied this was a recommendation by Public Works. Gibb asked if there was a concern that the building or occupation will occur before the utility poles are moved. Doering replied that conversation was had with the applicant and they will wait for Sangre De Cristo Electric to pay to move those poles. Gibb stated this might create an inability to use the alley for a period of time. Maggard clarified that completion of the alley would be a condition of certificate of occupancy. Kale stated they will wait and Sangre De Cristo is putting the pole removal in their plan for 2017. They will construct the alley once the poles are moved.

Mayor Benson opened the public hearing. Steve Shelton, 615 Cedar St, came to see what was happening. He signed up to talk in case he had any objections, but everything looks good to him. Mark Krasnow, 429 Cedar St, questioned if it is a redevelopment policy decision from Town to have vehicular traffic cross a sidewalk. Doering believed the intent was to have future users get access from the alley to minimize sidewalk damage and the existing ingresses be allowed to continue as they are. There being no further discussion, the public hearing was closed.

Benson asked if there is a street tree requirement or fee in lieu requirement. Doering replied this is a requirement of new development. Best asked what the protocol for addressing the boulder request is. Gibb stated the Board has to decide if the investment represents an infrastructure investment by the Town that stimulates and/or supports one of the Town's strategic goals like affordable housing or downtown infill. Benson acknowledged the Town put in and paved the 8 foot road and street trees on Evans and then stated at what point does the Town say that is a lot of stimulation. Puckett agreed with Benson and added he did not have any issues with the project or conditions as presented. Lacy echoed all the comments acknowledging a lot of infrastructure work has been done there. In looking at the picture showing the boulders he sees one boulder that could be \$4,000, but is the infrastructure installed already a good trade off. Kale requested to speak and Benson reopened the public hearing. Kale reminded the Board that this address lost access off the public road. The Town took the access and did not create an alley and therefore she felt it was fair to ask to have the boulders removed. The applicants are also going to have to pay to have the sidewalk and asphalt fixed after water line installation because it they were installed before the lots were developed. She felt the request fair and stated they will create a nice alley. Otherwise, Kale thought maybe they should ask for money for the sidewalk. Mayor Benson closed the public hearing.

**Motion #4** by Trustee Best and seconded by Trustee Puckett to approve Resolution #80 as presented. **Motion carried, 4-0.**

Should the Board of Trustees approve adoption of Ordinance #15 entitled "**AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO, APPROVING A LEASE FOR PROPERTY LOCATED IN THE RIVER PARK WITH THE BUENA VISTA SCHOOL DISTRICT.**"? 01:26:07

Reitter presented reviewing the Staff Report along with a map showing the 3 different properties included in the proposed transactions. She reported the School District is comfortable with the agreement language. Benson asked if it is stated somewhere that the Town can still use the property. Sellars replied yes. Puckett questioned blunt language for "baseball and soccer" with no other use. Reitter replied the Town does not want to lease the School District the land and then have the school decide they want to use it for another purpose. The physical purpose has to be maintained. Lacy asked what happens if this implodes. Sellars replied it depends on when it implodes and the Town would potentially have to work with the School District to resolve any issues. Gibb asked when the Town will hear from CHFA. Reitter stated she will be presenting to CHFA later this month and it should be about 30 days after afterwards.

**Motion #5** by Trustee Lacy and seconded by Trustee Gibb to approve Ordinance #15 as presented.  
**Motion carried, 4-0.**

Should the Board of Trustees approve adoption of Resolution #81 entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPROVING THE PURCHASE AND SALE AGREEMENT BETWEEN THE TOWN OF BUENA VISTA AND THE BUENA VISTA SCHOOL DISTRICT R-31 AND AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO EXECUTE RELATED DOCUMENTS.**"? 01:39:14

Benson provided a brief overview stating this agreement is particular to a Rodeo Grounds parcel and if the vote goes forward and the School takes over the new baseball field this parcel reverts back to the Town. Sellars clarified there are two election cycles and the Town can put this forward at both if necessary, but either way the parcel will revert back if the vote passes. Lacy clarified the reason this is being done is because the School needs assets. Gibb asked if the amount of 40 acres the school gets is dependent upon a future appraisal of the value of the 5 acres in Town. Reitter clarified the assessed value is being used until an official value can be determined and the assessed valuation equates to around 11 acres. Puckett clarified this agreement does not include the official Rodeo Grounds.

**Motion #6** by Trustee Gibb and seconded by Trustee Lacy to approve Resolution #81 as presented.  
**Motion carried, 4-0**

Should the Board of Trustees approve adoption of Resolution #82 entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPROVING THE PURCHASE AND SALE AGREEMENT BETWEEN THE TOWN OF BUENA VISTA AND THE BUENA VISTA SCHOOL DISTRICT R-31 AND AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO EXECUTE RELATED DOCUMENTS.**"? 01:42:15

Sellars reported the School requested two terms to paragraph 12. One is that the Town shall commence construction of the baseball field based on a design and date mutually agreeable to the parties and the other is that the Town shall only conduct construction activities on the property upon completion of a new baseball field as mutually agreed on by the parties. She stated these are terms from the MOU. Reitter stated the BVSD Attorneys are still looking at this and if there are minor changes those will be made since the Board is allowing the Mayor and Administrator to execute the documents, but any major changes will be brought back to the Board.

**Motion #7** by Trustee Gibb and seconded by Trustee Puckett to approve Resolution #82 as amended. **Motion carried, 4-0.**

**Ratification of revised Intergovernmental Agreement between the Town of Buena Vista and Chaffee County Regarding County Road 317. 01:45:00**

Benson clarified the addition of the wording "although there is no written agreement governing this work" to the end of sections B and C. He requested this wording be added for clarification before signing.

**Motion #8** by Trustee Best and seconded by Trustee Puckett to ratify the amended agreement with Chaffee County regarding County Road 317. **Motion carried, 4-0.**

The Board took a break at 8:46 PM and returned to session at 8:52 PM.

**Central Colorado Regional Airport Ground Lease Agreement with Mark Godonis. 01:53:21**

Reitter presented reviewing the Staff Report. The project aligns with the Airport Master Plan and the applicant will construct 4 hangars. The terms are 25 years with a 15 year extension option and will commence September 1 with a \$25/ft square foot lease fee. There will be a 2% annual increase which was requested by the applicant instead of the fluctuating CPI index increase. It is a standard lease and the Airport Board recommends approval. The applicant has to pull a building permit but he wanted commitment on the lease before he begins that process. Puckett asked what happens after 25 years if the agreement is not extended. Reitter replied it reverts back to the Town. Lacy clarified the applicant could re-lease the property for another 25 years. Reitter agreed. Gibb clarified the first half of construction has to be completed within 18 months and asked if there was a deadline for the second half or if he could leave the other half empty. Reitter replied the Town would pursue conversations if that happened and then stated she could work with the applicant on specific dates and bring this back. Gibb suggested the Board could approve the agreement tonight giving Reitter direction to work with the applicant on creating reasonable dates for completion of phase II. Reitter stated she could work with the Airport Board as well.

**Motion #9** by Trustee Gibb and seconded by Trustee Best to approve the Ground Lease Agreement with Mark Godonis with an addition of some dates established by the Town Administrator related to phase II. **Motion carried, 4-0.**

Should the Board of Trustees approve adoption of Ordinance #16 entitled **"AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO, AMENDING THE BUENA VISTA MUNICIPAL CODE BY THE ADDITION OF A NEW ARTICLE XVI WITHIN CHAPTER 2 TO ADDRESS EMERGENCY MANAGEMENT PROCEDURES AND MAKING OTHER RELATED REVISIONS."**? **02:04:05**

Reitter reported this Ordinance is the result of the changes requested at the last meeting. Sellars clarified the addition of \$75,000 to 2-323(5)(a) and the ability to meet with less than 24 hours notice in 2-322(d) as discussed on July 26.

**Motion #10** by Trustee Best and seconded by Trustee Lacy to approve Ordinance #16 as presented. **Motion carried, 4-0.**

**STAFF REPORTS**

**Town Administrator 02:05:54**

- Proposing budget work session in September and would like Board input on date – The Board agreed to schedule this for October 6 at 5:30PM and the Airport with dinner to be provided
- August 15<sup>th</sup> is a public open house with the consultant selected to design four community park and August 16<sup>th</sup> the consultant meets with Rec Board
- Town awarded DOLA REDI grant for economic vitality study
- Town meeting with DOLA August 10 regarding Broadband project grant
- Draft Housing Needs Assessment will be presented at Intergovernmental Meeting on August 30
- Blueprint 2.0 is Hickenlooper initiative for rural economic development and Town will be holding a Build a Better Business Brand event in September with local businesses

**Town Treasurer 02:13:39**

- Attended priority based budgeting conference last week and it became obvious that the chart of accounts needs to be updated this year with the budget process – There are 1,800 accounts and she is working to condense and simplify them
- Will be implementing OpenGov for transparency

**Public Works 02:18:53**

- Ivy League still having issues with internal water loss and he will bring a proposal on this to the Board at an upcoming meeting
- Water Department is performing meter change outs



- Streets is doing striping and working primarily on bike lanes and school lanes
- Parks is status quo and trying to keep up with the busy summer
- Parks is also working on plans for the dog park shade structure
- The Rodeo Road Trail paving project is winding down
- Highway 24 project is set to start August 22 with 3 most westerly lanes from Crossman to Mill to be shut down and realigned
- Maggard met with CDOT at TPR meeting to talk about reallocation of grant funds from Gregg Drive to Arizona and TPR basically had not idea of what he was talking about and was told to come back with more information so he is reaching out to consultants for assistance
- Will be meeting Mark Mitchell next week and he met with BLM Archeologist about a month ago who also said he would help out on his own time.

#### **TRUSTEE/STAFF INTERACTION 02:33:01**

Gibb stated the electrical station in Columbine Park is in disrepair. He gave a brief history of the slogan of 8,000 feet above average and how his wife and sister-in-law were involved. His sister-in-law came up with the slogan. Tomorrow night the medical community will do sports physicals for free at 6PM at the school.

Benson thanked the Police Department for their presence and effectiveness during the Vertex Festival. He also thanked the Public Works crews for their efforts too. Benson reported Gold Rush Days is this weekend and thanks to Chamber for putting it on.

Puckett stated that the presentations by Planning and Reynolds were outstanding. Doering thanked Puckett and said he would let Reynolds know.

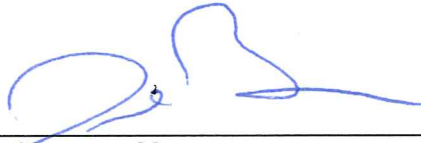
Lacy stated the railroad is covered with yellow thistle and inquired who cleans this up or who it is reported to. Doering replied they are to be managed by property owners in the state and Code Enforcement is dealing with it. Staff will talk to the County.

Maggard thanked the Department Of Corrections crews for helping out with the Railroad parking lot beautification project.

#### **ADJOURNMENT 02:38:33**

**Motion #11** by Trustee Puckett and seconded by Trustee Lacy, noting that there being no further business to come before the Board, declared that the meeting be adjourned at 9:38 PM. **Motion carried, 4-0.**

Respectfully submitted:

  
Joel Benson, Mayor

  
Janel Sciaccia, CMC  
Town Clerk

